

1 SENATE JOINT MEMORIAL 61

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE TRAFFIC SAFETY BUREAU OF THE DEPARTMENT OF
12 TRANSPORTATION TO CONVENE A TASK FORCE TO STUDY THE CURRENT
13 EFFECTIVENESS OF IGNITION INTERLOCK REQUIREMENTS, IDENTIFY ANY
14 AMBIGUITY IN THE LAW AND MAKE RECOMMENDATIONS TO STRENGTHEN THE
15 REQUIREMENTS AND INDUCE POSITIVE BEHAVIOR CHANGE IN OFFENDERS.
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17 WHEREAS, New Mexico has had a progressive history of
18 promoting the use of ignition interlock devices to reduce the
19 incidence of driving while intoxicated; and

20 WHEREAS, the first ignition interlock law was passed in
21 1999 and gave judges the option to sentence second- and
22 third-time offenders to use of an ignition interlock; and

23 WHEREAS, in 2002, the use of an ignition interlock was
24 made mandatory for all subsequent and aggravated convictions of
25 driving while intoxicated; and

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1 WHEREAS, in 2003, an ignition interlock license law was
2 enacted providing an alternative after revocation of a person's
3 driver's licence by allowing offenders to drive as long as they
4 drive a car equipped with an ignition interlock; and

5 WHEREAS, in June 2005, New Mexico became the first place
6 in the world to require everyone convicted of driving while
7 intoxicated to install an ignition interlock for at least one
8 year; and

9 WHEREAS, ignition interlock use has resulted in more
10 ignition interlock installations than anywhere in the country,
11 more publicity regarding driving while intoxicated, more
12 prevention and treatment and more enforcement of driving while
13 intoxicated laws; and

14 WHEREAS, research shows that ignition interlocks reduce
15 recidivism by forty to ninety percent among both first-time and
16 repeat offenders; and

17 WHEREAS, in New Mexico, the percentage of drivers who are
18 rearrested within one year of a driving-while-intoxicated
19 conviction was reduced from fourteen percent in 1993 to less
20 than six percent in 2006; and

21 WHEREAS, alcohol-involved crashes were reduced by thirty-
22 one percent between 2002 and 2007, resulting in a thirty-nine
23 percent decrease in the number of people injured in those
24 events; and

25 WHEREAS, there have been thirty-seven percent fewer

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1 fatalities due to alcohol-involved accidents since 2002, and
2 fatalities are projected to continue to decrease; and

3 WHEREAS, despite the great success of the ignition
4 interlock license law, there may still be areas where the law
5 could be strengthened; and

6 WHEREAS, a significant disparity exists between the number
7 of convictions for driving while intoxicated and the number of
8 ignition interlocks installed, suggesting that there is a lack
9 of compliance with the law; and

10 WHEREAS, ignition interlock devices alone may not result
11 in desired behavior changes, but, when combined with treatment
12 and other sanctions, can instill sober driving habits; and

13 WHEREAS, continued progress toward the safety of New
14 Mexico roads and the protection of all New Mexico drivers and
15 passengers remain important goals;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the traffic safety bureau of the
18 department of transportation be requested to convene a task
19 force to study the current effectiveness of ignition interlock
20 requirements, identify any ambiguity in the law and make
21 recommendations to strengthen the requirements of the law and
22 induce positive behavior change in offenders; and

23 BE IT FURTHER RESOLVED that the task force include
24 representation from the motor vehicle division of the taxation
25 and revenue department, the ignition interlock vendor industry,

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1 the New Mexico DWI czar, mothers against drunk driving, the
2 office of the attorney general, the New Mexico sheriffs' and
3 police association, the adult probation and parole division of
4 the corrections department, the New Mexico district attorney's
5 association, the New Mexico criminal defense lawyers
6 association, a metropolitan court judge and a magistrate judge;
7 and

8 BE IT FURTHER RESOLVED that the study explore the
9 potential for improvements in such areas as data collection and
10 accessibility of information to the courts, offender
11 monitoring, affordability of ignition interlocks for the poor
12 and indigent and adequacy of behavior modification approaches;
13 and

14 BE IT FURTHER RESOLVED that the study consider ways to
15 enforce the law with offenders who claim they do not have
16 access to a car but who are later found to be driving without
17 an ignition interlock; and

18 BE IT FURTHER RESOLVED that the study identify reasons for
19 the differences in implementation and enforcement between
20 counties; and

21 BE IT FURTHER RESOLVED that a report of the findings and
22 recommendations of the task force be presented to the
23 appropriate interim legislative committee by October 1, 2009;
24 and

25 BE IT FURTHER RESOLVED that a copy of this memorial be

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1 transmitted to the traffic safety bureau of the department of
2 transportation.

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